

## 21 C.J.S. Courts § 4

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### Courts

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### I. In General

#### A. General Nature, Power, and Administration of Courts

## § 4. Administrative power exercised by court—Facilities, resources, expenses, fees, and costs

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#)  73, 80(5)

**Subject to statutory and constitutional restrictions, courts have power to provide facilities, personnel, and resources reasonably necessary for the performance of judicial functions and to assess fees and costs for access to the courts.**

The courts have inherent power to provide facilities, personnel, and resources reasonably necessary for the performance of judicial functions,<sup>1</sup> including material items.<sup>2</sup> Protecting the courts from impairment resulting from inadequate facilities, supplies, or personnel is within the courts' inherent powers even in the absence of an applicable statute.<sup>3</sup> Included in the judiciary's administrative authority is the power to formulate and carry into effect the budget for the court system.<sup>4</sup>

Courts have the inherent power to require sufficient funds for operating expenses, space, facilities, supplies, and other material items.<sup>5</sup>

It is within the power of an appropriate court to require a given locality to provide funds for the support of courts created for the locality.<sup>6</sup>

### ***Costs and fees.***

Courts may have statutory authority to assess costs on litigants before the courts, and may be delegated the authority to make rules regarding the assessment of costs.<sup>7</sup> The authority for courts to make rules regarding the assessment of costs may be limited to the highest state court.<sup>8</sup> Subject to statutory constraints,<sup>9</sup> courts may impose fees, such as filing fees, on persons seeking

access to the court system<sup>10</sup> as long as the fees are imposed for purposes directly related to the administration of justice and are not used for general revenue purposes.<sup>11</sup> Exemptions may be provided.<sup>12</sup>

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#### Footnotes

- 1 Mass.—*Lavallee v. Justices In Hampden Superior Court*, 442 Mass. 228, 812 N.E.2d 895 (2004).  
  
W. Va.—*State ex rel. J.C. v. Mazzone*, 233 W. Va. 457, 759 S.E.2d 200 (2014).  
  
**Location of judges' chambers**  
N.D.—*In re Resident Chambers for Dist. Judgeship No. 7, Northwest Judicial Dist.*, 2005 ND 221, 707 N.W.2d 251 (N.D. 2005).
- 2 W. Va.—*State ex rel. J.C. v. Mazzone*, 233 W. Va. 457, 759 S.E.2d 200 (2014).
- 3 Mass.—*Lavallee v. Justices In Hampden Superior Court*, 442 Mass. 228, 812 N.E.2d 895 (2004).
- 4 Wis.—*Flynn v. Department of Admin.*, 216 Wis. 2d 521, 576 N.W.2d 245 (1998).
- 5 W. Va.—*State ex rel. J.C. v. Mazzone*, 233 W. Va. 457, 759 S.E.2d 200 (2014).  
  
**Automated legal research system**  
Wis.—*State ex rel. Moran v. Department of Administration*, 103 Wis. 2d 311, 307 N.W.2d 658 (1981).
- 6 Mass.—*County of Barnstable v. Com.*, 410 Mass. 326, 572 N.E.2d 548 (1991).  
  
Ohio—*State ex rel. Badgett v. Mullen*, 177 Ohio App. 3d 27, 2008-Ohio-2373, 893 N.E.2d 870 (4th Dist. Washington County 2008).  
  
**A.L.R. Library**  
*Inherent power of court to compel appropriation or expenditure of funds for judicial purposes*, 59 A.L.R.3d 569.  
Ill.—*Vicencio v. Lincoln-Way Builders, Inc.*, 204 Ill. 2d 295, 273 Ill. Dec. 390, 789 N.E.2d 290 (2003).
- 7  
  
**Mandatory duty by statute**  
Ohio—*State ex rel. Fisher v. Burkhardt*, 66 Ohio St. 3d 189, 1993-Ohio-187, 610 N.E.2d 999 (1993).
- 8 Pa.—*Stewart v. Owens-Corning Fiberglas*, 2002 PA Super 262, 806 A.2d 34 (2002).
- 9 Cal.—*Hogoboom v. Superior Court*, 51 Cal. App. 4th 653, 59 Cal. Rptr. 2d 254 (2d Dist. 1996), as modified on other grounds, (Jan. 6, 1997).  
  
Kan.—*Board of County Com'rs of County of Sedgwick v. Graham*, 254 Kan. 260, 864 P.2d 1141 (1993).
- 10 Kan.—*Board of County Com'rs of County of Sedgwick v. Graham*, 254 Kan. 260, 864 P.2d 1141 (1993).  
  
**Rational basis of statutory fee**  
Ill.—*Blade v. Finley*, 112 Ill. App. 3d 914, 68 Ill. Dec. 387, 445 N.E.2d 1240 (1st Dist. 1983).
- 11 Fla.—*In re Advisory Opinion to the Governor*, 509 So. 2d 292 (Fla. 1987).  
  
Tex.—*LeCroy v. Hanlon*, 713 S.W.2d 335 (Tex. 1986).
- 12 Fla.—*Miller v. Hospitality Care Center*, 431 So. 2d 254 (Fla. 1st DCA 1983).

Mich.—[Hadley v. Ramah](#), 134 Mich. App. 380, 351 N.W.2d 305 (1984).

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